Contract User Guide for ITS64

ITS64: Oracle Software and Services

	UPDATED: June 24, 2020
Contract #:	ITS64
MMARS MA #:	ITS64*
Initial Contract Term:	May 22, 2018 to June 30, 2023 with 5 1-year options to renew
Maximum End Date:	June 30, 2028
Current Contract Term:	Through June 30, 2023
Contract Manager:	Marge MacEvitt, (617) 720-3121, marge.macevitt@mass.gov
This Contract Contains:	Volume discounts
UNSPSC Codes:	43-23-00-00 (Software), 81-11-22-00 (Software Maintenance and Support), 81-11-15-07 (Services)

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Contract Summary

This contract is for obtaining Oracle software (including Software as a Service), maintenance and support, and Professional Services (including consulting and training). It replaces ITS19.

Benefits and Cost Savings

Volume discounts and contract terms negotiated specifically for the Commonwealth.

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Find Bid/Contract Documents

To find all contract documents, including this Contract User Guide, RFR, specifications, price lists, maintenance terms, and others visit COMMBUYS.com and search for ITS64. Here is a direct link to the Contract.

Who Can Use This Contract

Applicable Procurement Law

Executive Branch Goods and Services: MGL c. 7, § 22; c. 30, § 51, § 52; 801 CMR 21.00;

Eligible Entities

Please see the standard list of Eligible Entities on our Who Can Use Statewide Contracts webpage. The last two entries on the list are modified to read as follows:

- Public sector entities in the following states with no prior approval by the State Purchasing Agent: Maine, New Hampshire, Rhode Island and Vermont
- Other Entities when agreed to by Oracle and designated in writing by the State Purchasing Agent

Subcontractors

The awarded vendor's use of subcontractors is subject to the provisions of the Commonwealth's Terms and Conditions and Standard Contract Form, as well as other applicable terms of this Statewide Contract. Oracle may not use subcontractors to provide Professional Services in connection with Cloud Services without the Eligible Entity's written consent.

Pricing, Quote and Purchase Options

Purchase Options

Only one vendor (Oracle) holds this contract. All products and services may be obtained via direct purchase order to Oracle.

Pricing and Acquisition Methods

Oracle software licenses may be acquired through outright purchase. Oracle technical support and maintenance may be paid through an annual subscription or other time period agreed to between the Eligible Entity and Oracle. Consulting services may be obtained on a time and materials basis or for a fixed fee. Education services are via subscription or fixed fee. Cloud Services are available via subscription.

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Product/Service Pricing

Price lists for all available products/services are posted in a separate file ("Pricing") on COMMBUYS or at the applicable URL in the Pricing document.

Setting Up a COMMBUYS Account

COMMBUYS is the Commonwealth's electronic Market Center supporting online commerce between government purchasers and businesses. If you do not have one already, contact the COMMBUYS Help Desk to set up a COMMBUYS buyer account for your organization: (888)-627-8283 or COMMBUYS@state.ma.us.

When contacting a vendor on statewide contract, always reference ITS64 to receive contract pricing.

Submitting a Requisition through COMMBUYS

Go to the *Job Aids for Buyers* webpage, select the *Purchase Orders* section, and choose the *How to Create a Release Requisition and Purchase Order (Contract Purchase)* job aid.

Instructions for MMARS Users

MMARS users must reference the MA number in the proper field in MMARS when placing orders with any contractor.

Contract Exclusions and Related Statewide Contracts

No hardware may be offered under this contract. See ITC56 for hardware purchases.

Oracle Platform as a Service (PaaS) and Infrastructure as a Service (IaaS) are available under ITS64 only for use with Oracle technology or applications programs and may not be used to support non-Oracle workloads. Oracle PaaS and IaaS may be used only for any Oracle technology or applications programs that an Eligible Entity decides to move to a Cloud environment.

How to Use this Contract

Contact the Oracle representative who generally works with your Agency or Department for assistance in determining exactly what products/services you will be getting, and to prepare/negotiate the Ordering Document. All Executive Department Agencies must contact the Executive Office of Technology Services and Security (PCOTeam@mass.gov) prior to making a purchase under ITS64 or any Oracle User License Agreement.

Important: Review the "Additional Information" section below prior to signing or submitting an Ordering Document. It is important to understand the contract terms before placing an order. In

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some cases, you may need to add provisions to the Ordering Document. Note that the terms in the "Umbrella Agreement" (on COMMBUYS) override any conflicting terms in the Ordering Document,

 Once the Ordering Document has been finalized, COMMBUYS users should attach it to their direct release purchase order in COMMBUYS.

Additional Information/FAQs

Performance and Payment Time Frames Which Exceed Contract Duration

All agreements for services entered into during the duration of this Contract and whose performance and payment time frames extend past the end date of the then-current term of the contract shall remain in effect for performance and payment purposes only, limited to the time frame and services established per each written agreement. No new agreements may be executed after the Contract has expired.

Key Documents and Terms - Please read before placing an order

Umbrella Agreement

The Umbrella agreement sets out the order of precedence for all documents that are part of the Agreement. Any conflicting terms in Oracle's documents, such as Schedules and General Terms, are superseded by the Umbrella agreement. The order of precedence is:

1. Umbrella Agreement
2. Commonwealth Terms and Conditions
3. Standard Contract Form
4. Amended and Restated ITS64 Due Diligence Posting
5. Data Processing Agreement (or the Data Processing Agreement expressly referenced in your Order)
6. Oracle Ordering Document (as agreed between you and Oracle)
7. Oracle's Master Agreement consisting of:
    a. General Terms – Public Sector and
    b. Schedule P: Public Sector – Programs, Public Sections Schedule S - Services, and Schedule C - Cloud Services - Public Sector

The Umbrella agreement includes clarifications to the Commonwealth Terms and Conditions and the Standard Contract Form. Contract users should review these clarifications as they specify some additional requirements on the part of the Commonwealth. *Some key terms in the Umbrella Agreement are flagged below, but users should review the complete agreement to understand their rights and obligations.*

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Section 1 – ITS64 General Terms and Conditions, Modifications and Clarifications

- Section 1.7, Executive Department Agencies may transfer or divest certain licenses, Professional Services deliverables, and cloud services. The transfer of programs with an "unlimited license model" are subject to additional restrictions and terms. Non-Executive Department users may negotiate specific transfer and divestiture rights as part of a specific order.

Section 2 - Clarifications to the Commonwealth Terms and Conditions and the Standard Contract Form

- Section 2.2, Professional Services deliverables are either joint property or Commonwealth property. Any deviation from this requirement by Executive Department Agencies must be approved by the EOTSS General Counsel.
- Section 2.2, Sub-Section 4, allows for Eligible Entities to enter into **non-cancellable orders for a period of up to one (1) year**.
- Section 2.3, Sub-Section 7, Executive Department Eligible Entities **must** include the requirements of the Information Technology Mandatory Specifications and the IT Acquisition Accessibility Contract Language in the applicable solicitation and/or Ordering Document.

Section 3 - Selected Clarifications to Oracle Documents

- Section 3.2.2, you are entitled to service credits if you experience downtime during your Cloud Services subscription. You are also permitted to terminate Cloud Services for chronic service unavailability.
- Section 3.2.2.3, Oracle will maintain your Content for the length of your Cloud Services term plus sixty (60) days. You may retrieve your Content at any time during this period.

Cloud Services Data Processing Agreement

If ordering Cloud Services, read the Data Processing Agreement for Cloud Services (DPA). Orders placed during the first year of ITS64 will be governed by the DPA posted on COMMBUYS. Oracle may change the Data Processing Agreement at will, so if you place an order for Cloud services after the first year of ITS64, you must download and review the current DPA which will be referenced in your Ordering Document. That DPA will apply throughout the duration specified in your Ordering Document, so it is important that you keep a copy of it on file, as Oracle may modify it during that time.

EOTSS Enterprise Policies and Standards Applicable to Cloud Services

It is up to each ordering Eligible Entity to determine what EOTSS Enterprise Policies and Standards, including those listed below, are applicable to the services they are obtaining, and whether any additional specifications are needed. Any additional specifications must be included in the Ordering Document.

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1. Access control policy: http://www.mass.gov/anf/research-and-tech/cyber-security/security-for-state-employees/security-policies-and-standards/enterprise-access-control-policy.html
2. Communications and Operations policy http://www.mass.gov/anf/research-and-tech/cyber-security/security-for-state-employees/security-policies-and-standards/communications-and-operations-management-policy.html
3. Information Security Policy http://www.mass.gov/anf/research-and-tech/cyber- security/security-for-state-employees/security-policies-and-standards/information-security- policy.html
4. Information Security Standards Data Classification http://www.mass.gov/anf/research-and-tech/cyber-security/security-for-state-employees/security-policies-and-standards/enterprise-information-security-standards.html
5. Enterprise IT Security Compliance Policy http://www.mass.gov/anf/research-and-tech/policies- legal-and-technical-guidance/it-policies-standards-and-procedures/ent-pols-and- stnds/enterprise-it-security-compliance-policy.html
6. Enterprise IT Asset and Risk Management Policy http://www.mass.gov/anf/research-and- tech/cyber-security/security-for-state-employees/security-policies-and-standards/enterprise-it- asset-and-risk-management-policy.html
7. Physical and environmental security policy http://www.mass.gov/anf/research-and-tech/cyber-security/security-for-state-employees/security-policies-and-standards/enterprise-physical-and- env-security-policy.html
8. Security incident response policy http://www.mass.gov/anf/research-and-tech/cyber-security/security-for-state-employees/security-policies-and-standards/ent-it-sec-inc-resp- pol.html
9. Staff IT security policy http://www.mass.gov/anf/research-and-tech/cyber-security/security-for- state-employees/security-policies-and-standards/enterprise-staff-information-technology- security-p.html
10. Web accessibility standard http://www.mass.gov/anf/research-and-tech/policies-legal-and-technical-guidance/tech-guidance/accessibility-guidance/web-accessibility-standards.html

It is strongly recommended that all Executive Department Agencies include the following paragraph in all Ordering Documents, inclusive of all policies listed above:

"Oracle shall provide the products and services listed herein in accordance with the Information Technology Mandatory Specifications and the IT Acquisition Accessibility Contract Language. In addition, Oracle will comply with the Security Policies and Standards available via https://www.mass.gov/handbook/enterprise-information-security-policies-and-standards."

Strategic Sourcing Team Members

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Vendor List and Information

Vendor	Master Blanket Purchase Order #
ORACLE AMERICA, INC	PO-18-1080-OSD03-SRC01-13443

*Note that the vendor record on COMMBUYS is the official system of record for vendor contact information.

General questions:
Ryan Lever, ryan.lever@oracle.com, 978-807-2917 or
Bob Nevins, bob.nevins@oracle.com, 781-589-4193

Business questions:
Oracle Technology
Ryan Lever, ryan.lever@oracle.com, 978-807-2917

Oracle Business Intelligence
Ryan Lever, ryan.lever@oracle.com, 978-807-2917

Oracle Financial Applications
Glenn Mains, glenn.mains@oracle.com, 567-277-5883

Oracle HCM Applications
Michelle Miller, michelle.ehrlich@oracle.com, 301-873-6565

Oracle CX Applications
Donna Gallucci, donna.gallucci@oracle.com, 781-442-0508

Business questions about Oracle support (billing):
Collections_us@oracle.com, 888-803-7414

Technical questions about Oracle products or support
Jason Abshire, jason.abshire@oracle.com, 703-597-1739

Questions about education programs for Oracle products:
Todd Slade, todd.slade@oracle.com, 703-364-0244

Questions about Oracle Consulting Services:
Jeff Dickert, jeff.dickert@oracle.com, 518-429-4896

Questions about Advanced Customer Services:
Brian Fadale, brian.fadale@oracle.com, 202-421-8337

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